

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In The Matter Of:)	
)	
Karen M. Larson	)	Case Number: 16-42193-399
)	
Debtor)	
	)	Chapter 13
U.S. Bank Trust, N.A., as Trustee for)	
LSF9 Master Participation Trust	)	Motion to Lift Stay filed by
	)	U.S. Bank Trust, N.A., as Trustee for LSF9
Movant,	)	Master Participation Trust
)	
vs.)	
	)	Millsap & Singer, LLC
Karen M. Larson	)	612 Spirit Drive
	)	St. Louis, MO 63005
and	)	(636) 537-0110
)	
John V. LaBarge, Jr.	)	Hearing Date: April 6, 2016
	)	Hearing Time: 10:00 AM
Trustee	)	Objection Deadline: April 6, 2016
)	
Respondents)	
)	

**EXPEDITED NOTICE OF HEARING AND
MOTION TO DISMISS, OR IN THE ALTERNATIVE
FOR RELIEF FROM THE AUTOMATIC STAY**

WARNING: ANY RESPONSE OR OBJECTION MUST BE FILED WITH THE COURT BY APRIL 6, 2016 (SEE L.B.R. 9013-2). A COPY MUST BE PROMPTLY SERVED UPON THE UNDERSIGNED. FAILURE TO FILE A TIMELY RESPONSE MAY RESULT IN THE COURT GRANTING THE RELIEF REQUESTED PRIOR TO THE HEARING DATE.

THE HEARING TO BE HELD ON THE DATE AND TIME ABOVE BEFORE THE HONORABLE BARRY S. SCHERMER, IN THE UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF MISSOURI, THOMAS F. EAGLETON U.S.

**COURTHOUSE, 111 SOUTH TENTH STREET, FLOOR 5, NORTH COURTROOM,
ST. LOUIS, MO 63102.**

COMES NOW, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust and for its Motion to Dismiss, or in the Alternative, for Relief from Automatic Stay, states as follows:

1. On March 31, 2016, Debtor filed a Petition under Chapter 13 of the Bankruptcy Code. John V. LaBarge, Jr. is the duly appointed and qualified Trustee in this case.

2. U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust is the holder of a secured claim in this proceeding by virtue of one Promissory Note dated November 24, 2003 in the original principal amount of \$66,315.59. A copy of said Note has been electronically attached to this document as Exhibit A and is made a part hereof by this reference.

3. Said Note is secured by a Deed of Trust dated November 24, 2003 and recorded in Book 15496, Page 1425 constituting a first lien on real estate owned by the Debtor. Said property being commonly known as 9424 Marlowe Ave, St. Louis, MO 63114; more particularly described as follows:

THE EAST 40 FEET OF LOT 6 IN BLOCK 8 OF SOUTH OVERLAND PARK,
ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5
PAGE 90 OF THE ST. LOUIS COUNTY RECORDS

A copy of said Deed of Trust, which is recorded in the St. Louis County Recorder of Deeds Office, has been electronically attached to this document as Exhibit B and is made a part hereof by this reference.

4. Movant seeks to enforce said Note and Deed of Trust as by law allowed. No creditor or Trustee of the estate has any interest in said realty superior to the rights of Movant.

5. This Court previously entered its Order pursuant to 11 U.S.C. Section 362(a) prohibiting, among other things, any act to enforce any lien against the property of the estate and any act to obtain possession of property of the estate.

6. The current pay off on said note is as follows:

Principal	\$55,804.25
Interest	\$5,591.11
Late Charges	\$64.41
Escrow	\$202.00
Other Fees	\$7,963.82
Deferred Amounts	\$4,346.47
Foreclosure Fees and Costs	\$2,266.81
Motion to Expedite Hearing	\$350.00
MFR Attorney Fees	\$850.00
MFR Attorney Costs	\$176.00
MFR Service Costs	\$13.22
Total Pay Off	\$77,628.09

7. Monthly payments are owing and delinquent from February 28, 2014 to the present. The following are the payments that are delinquent:

26 payments @ \$319.42	\$8,304.92
Late Charges	\$64.41
Other Fees	\$7,963.82
Deferred Amounts	\$4,346.47
Foreclosure Fees and Costs	\$2,266.81
Motion to Expedite Hearing	\$350.00
MFR Attorney Fees	\$850.00
MFR Attorney Costs	\$176.00
MFR Service Costs	\$13.22
Total Arrearages	\$24,335.65

A post-petition payment history has been electronically attached to this document as Exhibit C and is made a part hereof by this reference.

8. Debtor filed her first Chapter 13 Bankruptcy October 30, 2014 as Case Number 14-48543, which case was voluntarily dismissed December 24, 2014. Debtor filed her second Chapter 13 Bankruptcy February 12, 2015 as Case Number 15-40881. Movant filed a Motion for Relief from Stay January 20, 2016 and Relief was granted

February 10, 2016. Debtor voluntarily dismissed her case March 21, 2016. Debtor filed her third and current Chapter 13 Case, in violation of 109(g), March 31, 2016 as Case Number 16-42193.

9. This is Movant's third attempt at foreclosure. Movant's first foreclosure sale was scheduled for October 31, 2014, which was cancelled when the borrower declared Bankruptcy October 30, 2014. Movant's second attempt at foreclosure was scheduled for February 17, 2015, which was cancelled when the borrower declared Bankruptcy February 12, 2015. Movant's third attempt at foreclosure was scheduled for April 1, 2016 and was continued until April 8, 2016.

10. The aforesaid realty has depreciated in value while in possession of the Debtor. There is no equity in said property for the benefit of the Debtor.

11. The present case is not filed in good faith as required by 11 U.S.C. Section 1325 (a)(3). The latest Chapter 13 by the Debtor was filed solely to hinder, delay and frustrate creditors of the Debtor in bad faith.

12. Movant seeks an Order prohibiting the filing by the Debtor of a new petition under the Bankruptcy Code for a period of 180 days.

13. Movant is not provided adequate protection of its interest in said property pursuant to 11 U.S.C. § 362 (d). Said property has no equity for the benefit of the Debtor and is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court dismiss this case or, in the alternative to terminate the automatic stay in regard to the realty in order to permit Movant, or its successors and assigns to proceed with foreclosure on the aforesaid property, to pursue its remedies under state law in connection with the aforesaid Deed of Trust and Note; to pursue its remedies under state law for possession of said property after foreclosure, to proceed with any foreclosure alternatives; for an order that the relief from the automatic stay is not stayed pursuant to Rule 4001 for fourteen (14) days; for an Order prohibiting the Debtor from filing a new petition in bankruptcy for a

period of 180 days from the dismissal of this case, and for such further orders as the Court deems just and proper.

Dated April 4, 2016

Respectfully Submitted,
Millsap & Singer, LLC

/s/ William T. Holmes, II

Cynthia M. Woolverton, #47698, #47698MO

William T. Holmes, II, #59759, #59759MO

Benjamin C. Struby, #56711, #56711MO

612 Spirit Drive

St. Louis, MO 63005

Telephone: (636) 537-0110

Facsimile: (636) 537-0067

bkty@msfirm.com

Attorneys for U.S. Bank Trust, N.A., as Trustee
for LSF9 Master Participation Trust

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on April 4, 2016, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court pursuant to CM/ECF as set out on the Notice of Electronic filing as issued by the Court or in the alternative has been served by depositing a true and correct copy of same enclosed in a postage prepaid, properly addressed envelope, in a post office official depository under the exclusive care and custody of the United States Postal Service within the state of Missouri on those parties directed by the Court on the Notice of Electronic Filing issued by the Court as required by the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court.

/s/ William T. Holmes, II

Electronic Mail Notice List

The following is the list of attorneys who are currently on the list to receive e-mail notices for this case.

Timothy Patrick Powderly

John V. LaBarge, Jr.

Office of the United States Trustee

Manual Notice List

The following is a list of parties who are not on the list to receive e-mail notices for this case (who therefore require manual noticing).

Karen M. Larson
9424 Marlowe Ave.
St. Louis, MO 63114

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John V. LaBarge, Jr.)	
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Trustee)	
)	
Respondents)	
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SUMMARY OF EXHIBITS AND CERTIFICATE OF SERVICE

The following exhibits in reference to the Motion for Relief have been electronically attached as Exhibits and are available upon request in their entirety.

- A. Note
- B. Deed of Trust
- C. Post Petition Payment History

Respectfully Submitted,
Millsap & Singer, LLC

/s/ William T. Holmes, II
Cynthia M. Woolverton, #47698, #47698MO
William T. Holmes, II, #59759, #59759MO
Benjamin C. Struby, #56711, #56711MO

612 Spirit Drive
St. Louis, MO 63005
Telephone: (636) 537-0110
Facsimile: (636) 537-0067
bkty@msfirm.com
Attorneys for U.S. Bank Trust, N.A., as Trustee
for LSF9 Master Participation Trust

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of all documents supporting my Motion for Relief referenced above, including legible copies of all documents evidencing perfection of security interests have been served on the Trustee and Counsel for the Debtor on April 4, 2016. Copies of the above documents are available to other parties in interest upon request.

/s/ William T. Holmes, II